

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE NO. 3: 99CR00315-24 (DRD)

LOURDES NIEVES-VARELA

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**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS
REQUEST FOR THE ISSUANCE OF AN ARREST WARRANT
AND TOLLING OF THE SUPERVISED RELEASE TERM**

**TO THE HONORABLE DANIEL R. DOMINGUEZ
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Benjamín Bonilla, United States Probation Officer of this Court, respectfully presenting an official report on the conduct and attitude of the offender Lourdes Nieves-Varela, who on August 31, 2001, was sentenced by your honor to forty-six (46) months of imprisonment after she pled guilty of violating Title 21, U.S. Code, § 846. A five (5) year supervised release term and a special monetary assessment in the amount of \$100.00 were also imposed. On January 16, 2004, Ms. Nieves-Varela was released from custody at which time she commenced her supervised release term.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:

Since her release from custody, the offender has violated the following condition of her supervised release term:

1. STANDARD CONDITION NO. 7- “THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”

Ms. Nieves-Varela failed to report for a surprise urine test scheduled for May 30, 2007. On

June 1, 2007, she reported to the United States Probation Office and provided a sample that tested positive to marihuana. Furthermore, she admitted smoking marihuana on a social basis and stated to do so because she likes the high sensation that it provides to her. Lastly, she voiced no interest in receiving outpatient nor inpatient treatment. Additionally, she verbalized to this officer that she had no intentions to refrain from smoking marihuana to comply with her conditions of supervision. Ms. Nieves-Varela had also tested positive to marihuana on several occasions in the past and is currently under mental health treatment and medications provided by the Commonwealth of Puerto Rico Health Department.

WHEREFORE, I declare under penalty of perjury that the forgoing is true and correct. It is respectfully requested that a warrant for the offender's arrest be issued so that she may be brought before this Honorable Court to show cause why her supervision term should not be revoked. Thereupon, that she to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 1st day of June 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Benjamin Bonilla
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CERTIFICATE OF SERVICE

I HEREBY certify that on June 1, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jose Ruiz, Assistant U.S. Attorney and to Jorge Diaz-Reveron, Esq.

In San Juan, Puerto Rico, this 1st day of June 2007.

s/Benjamin Bonilla
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